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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/836,894	04/17/2001	John E. Armstrong	75637/11931	6547

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TUCKER, ELLIS & WEST LLP
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CLEVELAND, OH 44115-1475

EXAMINER

BACKER, FIRMIN

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 10/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/836,894	Applicant(s) ARMSTRONG ET AL. <i>ST</i>	
	Examiner Firmin Backer	Art Unit 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Request for Reconsideration

This is in response to a request for reconsideration file July 21st, 2004. Claims 6-59 are being reconsidered in this action.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 6-59 are rejected under 35 U.S.C. 102(e) as being anticipated by Vasic et al (U.S. PG Pub no. 2003/0021417).

3. As per claims 6, Vasic et al teach a method/system/computer usable medium for exchanging data between an initiator and a responder, comprising sending a session request package from the initiator to the responder; sending a session confirm from the responder to the initiator; sending a key request from the initiator to the responder; confirming the initiator's key request has been encoded correctly by the responder; sending a key confirm from the responder to the initiator; confirming the responder's key confirm has been encoded correctly by the initiator; sending a data package by the initiator to the responder; replying with a package confirm by the responder to the initiator; and, repeating the sending a data package step and

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replying step until the initiator sends an end request (*see paragraphs 0029, 0030, 0031, 0033, 0079*).

4. As per claims 7, Vasic et al teach a method/system/computer usable medium for exchanging data wherein the session request package comprises the initiator's IP address and profile data (*see paragraphs 0029, 0030, 0031, 0033, 0079*).

5. As per claims 8, Vasic et al teach a method/system/computer usable medium for exchanging data wherein the session confirm step comprises the step of generating a new session key pair having a responder's public session key (*see paragraphs 0029, 0030, 0031, 0033, 0079*).

6. As per claims 9, Vasic et al teach a method/system/computer usable medium for exchanging data wherein the session confirm comprises: the session key pair; the responder's public session key; the responder's profile data (*see paragraphs 0029, 0030, 0031, 0033, 0079*).

7. As per claims 10, Vasic et al teach a method/system/computer usable medium for exchanging data the key request comprises: the initiator's public session key; the initiator's profile data (*see paragraphs 0029, 0030, 0031, 0033, 0079*).

8. As per claims 11, Vasic et al teach a method/system/computer usable medium for exchanging data wherein the session confirm comprises the responder's public session key (*see paragraphs 0029, 0030, 0031, 0033, 0079*).

9. As per claims 12, Vasic et al teach a method/system/computer usable medium for exchanging data wherein the key request is encoded with the responder's public session key (*see paragraphs 0029, 0030, 0031, 0033, 0079*).

10. As per claims 13, Vasic et al teach a method/system/computer usable medium for exchanging data wherein the confirming the initiator's key request comprises decoding the key request; and, verifying the key request is properly formatted (*see paragraphs 0029, 0030, 0031, 0033, 0079*).

11. As per claims 14, Vasic et al teach a method/system/computer usable medium for exchanging data wherein the confirming the responder's key confirm comprises decoding the key confirm, and verifying the key confirm is properly formatted(*see paragraphs 0029, 0030, 0031, 0033, 0079*).

12. As per claims 15, Vasic et al teach a method/system/computer usable medium for exchanging data wherein the sending a data package comprises converting the data from its original format to a standardized format (*see paragraphs 0029, 0030, 0031, 0033, 0079*).

13. As per claims 16, Vasic et al teach a method/system/computer usable medium for exchanging data wherein the replying comprises converting the data from the standardized format to a format used by the responder (*see paragraphs 0029, 0030, 0031, 0033, 0079*).

14. As per claims 17, Vasic et al teach a method/system/computer usable medium for exchanging data wherein the standardized format is EDI (*see paragraphs 0029, 0030, 0031, 0033, 0079*).

15. As per claim 18-59, they disclose same inventive concept as claims 6-17. Therefore they are rejected under the same rationale as claim 6-17.

Response to Arguments

16. Applicant's arguments filed July 21st, 2004 have been fully considered but they are not persuasive.

a. Applicant argues that the reference cited includes only a portion of the disclosure that can draw from the earlier data of the parent application. Applicant further argues that it is not establish that the reference (Vasic 2003/0021417) and the cited portion do in fact anticipate the present claims. Examiner respectfully disagrees with Applicant characterization of the reference. Upon a comprehensive examination of both references (the parent and the continuation in part), it is discovered both references disclose the same subject matter with very minor and insignificant variation. Although the reference applied in the rejection is a continuation of the parent application, the subject matter is the same. Therefore, it is established that the reference cited do in fact anticipated the claims presented.

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- b. The parent reference (09/693,605) is provided with the action for further review

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

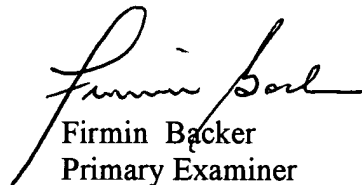
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Firmin Backer whose telephone number is (703) 305-0624. The examiner can normally be reached on Mon-Thu 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Firmin Backer
Primary Examiner
Art Unit 3621

October 14, 2004